

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION MDL No. 2804
OPIATE LITIGATION Case No. 17-md-2804

This document relates to: Judge Dan
 Aaron Polster

The County of Cuyahoga v. Purdue
Pharma, L.P., et al.
Case No. 17-OP-45005

City of Cleveland, Ohio vs. Purdue
Pharma, L.P., et al.
Case No. 18-OP-45132

The County of Summit, Ohio,
et al. v. Purdue Pharma, L.P.,
et al.
Case No. 18-OP-45090

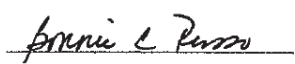
VOLUME I
Videotaped Deposition of Kyle J. Wright
Washington, D.C.
February 28, 2019
9:33 a.m.

Reported by: Bonnie L. Russo
Job No. 3244302

<p style="text-align: right;">Page 94</p> <p>1 briefing to ABDC and you attended?</p> <p>2 A. Ma'am, I -- I really would not know</p> <p>3 who gave the first one. My recollection -- I</p> <p>4 know that I attend every one. I attended.</p> <p>5 Whether I presented or not or Mr. Mapes</p> <p>6 presented, unless I could see it in writing, I</p> <p>7 don't know, especially in the very beginning.</p> <p>8 Q. Understood. Okay.</p> <p>9 So you attended, along with</p> <p>10 Mr. Mapes, most of the early ones; is that</p> <p>11 fair?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And which one of you two actually</p> <p>14 provided the briefing, between the two of you,</p> <p>15 you don't recall.</p> <p>16 A. Yes, ma'am.</p> <p>17 MS. MAINIGI: Okay. I'm going to</p> <p>18 put in front of you Wright Exhibit 12.</p> <p>19 (Deposition Exhibit 12 was marked</p> <p>20 for identification.)</p> <p>21 BY MS. MAINIGI:</p> <p>22 Q. Now, Wright Exhibit 12, is that the</p> <p>23 -- does that appear to you to be the</p> <p>24 presentation that was provided to Cardinal</p> <p>25 Health?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I most certainly did.</p> <p>2 Q. Okay. And you saw Mr. Mapes doing</p> <p>3 the same thing when he did the briefing?</p> <p>4 A. Yes.</p> <p>5 Q. And then some -- time after the</p> <p>6 PowerPoint presentation, would you present to</p> <p>7 the distributor data that you had analyzed?</p> <p>8 A. Could you clarify data that I had</p> <p>9 analyzed.</p> <p>10 Q. Sure.</p> <p>11 The registrants own data, either</p> <p>12 through ARCOS or some other source, that you</p> <p>13 had analyzed for the purpose of the briefing.</p> <p>14 Did you do that?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. And can you describe the</p> <p>17 process you went through to do that, at a high</p> <p>18 level, Mr. Wright?</p> <p>19 A. I was basically looking for, you</p> <p>20 know, outliers, anomalies -- and I will put</p> <p>21 these two adjectives on this thing: very</p> <p>22 apparent, obviously out of the norm.</p> <p>23 Q. And you looked for these outliers</p> <p>24 and the anomalies in the registrants' ARCOS</p> <p>25 data?</p>
<p style="text-align: right;">Page 95</p> <p>1 A. It appears so.</p> <p>2 Q. Okay. Now, if you take a look at</p> <p>3 the cover memo, the -- there was a memo written</p> <p>4 by Mr. Mapes to Mr. Rannazzisi.</p> <p>5 Do you see that?</p> <p>6 A. On 12?</p> <p>7 Q. Yes.</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. If you'd take a look at -- read to</p> <p>10 yourself the first paragraph, please.</p> <p>11 My question to you is going to be --</p> <p>12 or is: Does it appear that you did not attend</p> <p>13 this particular distributor briefing to</p> <p>14 Cardinal Health?</p> <p>15 A. It appears so.</p> <p>16 Q. Who does it appear attended this</p> <p>17 particular briefing to Cardinal Health?</p> <p>18 A. Michael -- Michael Mapes, Vickie</p> <p>19 Seeger from Office of Diversion, Mr. Trant from</p> <p>20 chief counsel, and then two people from --</p> <p>21 Steve Reardon and Robert Giacalone from</p> <p>22 Cardinal.</p> <p>23 Q. Now, for each one of these</p> <p>24 briefings, you would -- would you go through</p> <p>25 the PowerPoint presentation?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes.</p> <p>2 Q. Did you use any other resource to</p> <p>3 find these outliers and anomalies?</p> <p>4 A. Not to my recollection.</p> <p>5 Q. And I think you said earlier that</p> <p>6 you continued to give these distributor</p> <p>7 initiative briefings to registrants until you</p> <p>8 switched over to the regulatory group?</p> <p>9 A. Yes.</p> <p>10 Q. Did you continue giving briefings of</p> <p>11 this type to registrants after you switched</p> <p>12 over to the regulatory group?</p> <p>13 A. Repeat, please.</p> <p>14 Q. Sure.</p> <p>15 After you moved over to the</p> <p>16 regulatory group in 2007 or 2008, did you</p> <p>17 continue to give distributor initiative</p> <p>18 briefings to registrants?</p> <p>19 A. Yes.</p> <p>20 Q. And so you continued providing these</p> <p>21 distributor initiative briefings until</p> <p>22 approximately what time period?</p> <p>23 A. Approximately '10 or -- '11 or --</p> <p>24 probably about '11, 2011.</p> <p>25 Q. Now, the briefings that you</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 214</p> <p>1 Then once it goes through the form 2 that they report, it then has to go -- an NDC 3 number is what they report with no description. 4 When it comes to me, it's the NDC and then the 5 full description. 6 It is the registrant's DEA number. 7 That's it. Mine is the cross-reference to the 8 CSA, which gives me -- tells me that it's a 9 pharmacy or -- or -- or whatever. 10 Once it comes to me, then the data 11 is available for our use. 12 Q. And what was the purpose of your use 13 of the data? 14 A. To support investigations and to 15 determine if I saw any outliers, anomalies that 16 I -- my group, my unit felt were egregious 17 enough to warrant further investigation. 18 Q. And how would your group going about 19 -- go about determining whether they're 20 egregious enough to warrant further 21 investigation? 22 MR. BENNETT: Object. The witness 23 is instructed that you may not talk about 24 confidential law enforcement techniques that 25 you used.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. All activity. 2 Q. And what do you mean by "all 3 activity"? 4 A. Primarily what they acquired, what 5 they sold. But also, for manufacturers, there 6 was a lot of things that occur in the 7 manufacturing process. And those also had to 8 be reported. 9 Q. Okay. What about distributors; what 10 did they have to report through ARCOS? 11 MR. MIGLIORI: Object to form. 12 THE WITNESS: All activity. 13 BY MR. O'CONNOR: 14 Q. And by "all activity," what do you 15 mean? 16 A. Sales, purchases, losses, sales to 17 returns, sending it back to the manufacturer, 18 recalls. Anything that happened with that 19 product, a -- a controlled substance, is 20 required to be reported under ARCOS, all 21 activity. 22 BY MR. O'CONNOR: 23 Q. Okay. So with respect to opioids in 24 particular, would the ARCOS -- would the ARCOS 25 data reflect how much bulk opioid product a</p>
<p style="text-align: right;">Page 215</p> <p>1 If you can answer in generalities, 2 you can answer the question. 3 I assume you're asking at a high 4 level? 5 MR. O'CONNOR: Yes. 6 THE WITNESS: Applying the 7 principles of Suspicious Order under the CFR. 8 BY MR. O'CONNOR: 9 Q. Okay. Did the employees you had 10 working for you receive any kind of training on 11 how to determine whether an order warranted 12 further investigation? 13 A. Yes. 14 Q. In your view, were they qualified to 15 determine whether particular orders warranted 16 further investigation? 17 MR. BENNETT: Objection to the form. 18 THE WITNESS: Yes. 19 BY MR. O'CONNOR: 20 Q. Okay. Let me talk for a minute 21 about registrants reporting obligations with 22 respect to ARCOS. 23 What were manufacturer registrants, 24 in your understanding, required to report 25 through ARCOS?</p>	<p style="text-align: right;">Page 217</p> <p>1 manufacturer registrant purchased? 2 A. Manufacturer bulk purchase? 3 Q. Strike that. Let me ask it a 4 different way. 5 With respect to opioids, would ARCOS 6 data reflect the volume of opioid product 7 purchased by a manufacturer? 8 A. Yes. 9 Q. Okay. And would ARCOS data reflect 10 how many opioid tablets were sold by that 11 manufacturer? 12 A. Yes. 13 Q. Would ARCOS data reflect who those 14 manufacturer registrants sold the tablets to? 15 A. Yes. 16 Q. Would ARCOS data reflect how many 17 tablets a distributor or wholesaler purchased? 18 A. Yes. 19 Q. And would that ARCOS data reflect 20 which manufacturer registrant the distributor 21 or wholesaler purchased them from? 22 A. Yes. 23 Q. In your understanding, is there any 24 other party besides DEA that receives all of 25 that information we just discussed?</p>

<p style="text-align: right;">Page 262</p> <p>1 ground in a distribution center that are 2 analyzing stuff as it -- as it comes into to 3 the distribution center; fair? 4 A. Fair. 5 Q. Kind of people and pickers kind of 6 thing, right. 7 MR. BENNETT: Objection. Form. 8 MR. STEPHENS: All right. I'll 9 strike it. 10 I think the rest of these you've 11 answered, so I'm going to not ask. 12 So I have no further questions. I 13 apologize for taking a break right before we're 14 done. But now we are done. 15 THE WITNESS: Okay. 16 THE VIDEOGRAPHER: We are off the 17 record at 5:59 p.m. 18 And This concludes today's testimony 19 given by Kyle Wright. 20 The total number of media units used 21 were five and will be retained by Veritext 22 Legal Solutions. 23 (Whereupon, the proceeding was 24 concluded at 5:59 p.m.) 25</p>	<p style="text-align: right;">Page 264</p> <p>1 Veritext Legal Solutions 2 1100 Superior Ave 3 Suite 1820 4 Cleveland, Ohio 44114 5 Phone: 216-523-1313 6 7 March 5, 2019 8 To: David Lee Tayman 9 10 Case Name: In Re: National Prescription Opiate Litigation v. 11 Veritext Reference Number: 3244302 12 13 Witness: Kyle J. Wright Deposition Date: 2/28/2019 14 15 Dear Sir/Madam: 16 17 Enclosed please find a deposition transcript. Please have the witness 18 review the transcript and note any changes or corrections on the 19 included errata sheet, indicating the page, line number, change, and 20 the reason for the change. Have the witness' signature notarized and 21 forward the completed page(s) back to us at the Production address 22 shown 23 above, or email to production-midwest@veritext.com. 24 25 If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived. Sincerely, Production Department NO NOTARY REQUIRED IN CA</p>
<p style="text-align: right;">Page 263</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, Bonnie L. Russo, the officer before 3 whom the foregoing deposition was taken, do 4 hereby certify that the witness whose testimony 5 appears in the foregoing deposition was duly 6 sworn by me; that the testimony of said witness 7 was taken by me in shorthand and thereafter 8 reduced to computerized transcription under my 9 direction; that said deposition is a true 10 record of the testimony given by said witness; 11 that I am neither counsel for, related to, nor 12 employed by any of the parties to the action in 13 which this deposition was taken; and further, 14 that I am not a relative or employee of any 15 attorney or counsel employed by the parties 16 hereto, nor financially or otherwise interested 17 in the outcome of the action. 18 19  20 Notary Public in and for 21 the District of Columbia 22 23 My Commission expires: June 30, 2020 24 25</p>	<p style="text-align: right;">Page 265</p> <p>1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 3244302 5 CASE NAME: In Re: National Prescription Opiate Litigation v. 6 DATE OF DEPOSITION: 2/28/2019 7 WITNESS' NAME: Kyle J. Wright 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have made no changes to the testimony 12 as transcribed by the court reporter. 13 14 Date _____ Kyle J. Wright 15 Sworn to and subscribed before me, a 16 Notary Public in and for the State and County, 17 the referenced witness did personally appear 18 and acknowledge that: 19 20 They have read the transcript; 21 They signed the foregoing Sworn 22 Statement; and 23 Their execution of this Statement is of 24 their free act and deed. 25 I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date</p>